

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CHIH-WEN CHUNG,	:	
	:	
Plaintiff,	:	C. A. No.: 04-1451 SLR
	:	
V.	:	
	:	
LUMATEC INDUSTRIES, INC.	:	
	:	
Defendant.	:	
	:	

PLAINTIFF’S RESPONSES TO DEFENDANT’S FIRST SET OF INTERROGATORIES

1. Identify each and every fact known to plaintiff Chih-Wen Chung on or prior to November 15, 2004, upon which plaintiff relied in determining that personal jurisdiction could be asserted over defendant Lumatec Industries, Inc., in Delaware.

RESPONSE: Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, as the facts upon which Plaintiff relies are also within the possession of defendant and defendant’s customers. Among the facts that defendant is aware of and support personal jurisdiction over defendant are the following: Defendant advertises its goods to Delaware consumers, and infringing products made by defendant and bearing defendant’s tradename and trademarks are advertised, offered and sold by defendant’s distributors/retailers/resellers (distributors) to Delaware consumers. Defendant sells infringing products to resellers who advertise and offer to re-sell infringing product to Delaware consumers. Defendant’s distributors continue to sell infringing product to Delaware consumers. Defendant’s resellers, including Solutions (PO Box 6878, Portland OR 97228 www.solutionscatalog.com), www.promopeddler.com (sells “Lumatec ASI # 68177-D6TL-131” Octopus on its web site), Always Something Brilliant (8141

N I-70 Frontage Rd., Arvada CO www.alwaysbrilliant.com (sells Lumatec Octopus screwdriver) all target Delaware consumers and sell to them, and have offered the infringing article to Delaware consumers prior to the filing date of this Complaint and continue to do so. All of these distributors also offers the infringing article to Delaware consumers via 800 number customer service centers, which are open 24 hours a day, 7 days a week. In addition, Container Store, Inc., (locations coast to coast, www.containerstore.com and 800 number) offered the infringing article to Delaware consumers. Defendant knew that each of its distributors would offer the infringing article to consumers in Delaware and every other state.

2. Identify each and every fact known to plaintiff Chih-Wen Chung on or prior to November 15, 2004, upon which plaintiff relied in determining that the patented product identified in the Complaint filed by plaintiff in the above referenced action has been sold in or into Delaware.

RESPONSE: Plaintiff objects to this Interrogatory as overly broad and unduly burdensome, and to the extent that such facts are known to defendant and its distributors. Plaintiff has been told by defendant's distributors that infringing product has been sold in Delaware. Infringing product has been and continues to be advertised and offered to Delaware consumers, and defendant's distributors continue to advertise and sell infringing product in Delaware. Among the facts that plaintiff relied upon in asserting that infringing product has been offered for sale, advertised for sale and sold to consumers in Delaware are the following: Defendant advertises its goods to Delaware consumers, and infringing products made by defendant and bearing defendant's tradename and trademarks are advertised, offered and sold by defendant's

distributors/retailers/resellers (distributors) to Delaware consumers. Defendant sells infringing products to resellers who advertise and offer to re-sell infringing product to Delaware consumers. Defendant's distributors continue to sell infringing product to Delaware consumers. Defendant's resellers, including Solutions (PO Box 6878, Portland OR 97228 www.solutionscatalog.com), www.promopeddler.com (sells "Lumatec ASI # 68177-D6TL-131" Octopus on its web site), Always Something Brilliant (8141 N I-70 Frontage Rd., Arvada CO www.alwaysbrilliant.com (sells Lumatec Octopus screwdriver) all target Delaware consumers and sell to them, and have offered the infringing article to Delaware consumers prior to the filing date of this Complaint and continue to do so. All of these distributors also offers the infringing article to Delaware consumers via 800 number customer service centers, which are open 24 hours a day, 7 days a week. In addition, Container Store, Inc., (locations coast to coast, www.containerstore.com and 800 number) offered the infringing article to Delaware consumers. Defendant knew that each of its distributors would offer the infringing article to consumers in Delaware and every other state.



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Attorney for Plaintiff

Dated: April 4, 2005